

EXHIBIT A

From: [Mahoney, Margaret Ann \(USANJ\)](#)
To: [Peter Yim](#)
Cc: [Garcia-Malene, Gorka \(NIH/OD\) \[E\]](#); [Bowen, Elizabeth \(HHS/OGC\)](#); [Lampe, Karen \(NIH/OD\) \[E\]](#); [Vassallo, Kristin \(USANJ\)](#)
Subject: RE: NIH FOIA 55822 Complete Response
Date: Friday, May 7, 2021 12:13:17 PM
Attachments: [YIM Letter Request for Extension of time.pdf](#)

Good Afternoon,

Attached please find a copy of a letter just filed with the court.

Thank you.

Margaret Mahoney
Assistant United States Attorney
District of New Jersey

From: Peter Yim <yimpjp@gmail.com>
Sent: Thursday, May 6, 2021 5:42 PM
To: Mahoney, Margaret Ann (USANJ) <MMahoney@usa.doj.gov>
Cc: Garcia-Malene, Gorka (NIH/OD) [E] <gorka.garcia-malene@nih.gov>; Bowen, Elizabeth (HHS/OGC) <Elizabeth.Bowen@hhs.gov>; Lampe, Karen (NIH/OD) [E] <karen.lampe@nih.gov>; Vassallo, Kristin (USANJ) <KVassallo@usa.doj.gov>
Subject: Re: NIH FOIA 55822 Complete Response

Ms. Mahoney,

I remain convinced that my case against NIH is strong. I would like to discontinue this discussion.

Peter Yim

On Thu, May 6, 2021 at 5:09 PM Mahoney, Margaret Ann (USANJ)

<Margaret.Ann.Mahoney@usdoj.gov> wrote:

Mr. Yim,

Thank you for your response. To be clear, when you say "substantiate their claim by producing the specific record" are you saying that you cannot access the public website where the documents are located? The documents responsive to your request are located on the website. The website is open to the public and you can get the documents at any time. Again, as previously provided, here are the direct links:

The link is <https://www.covid19treatmentguidelines.nih.gov/whats-new/>

Down along the left hand side of the page is a link to the guidelines archive where all previous versions reside <https://www.covid19treatmentguidelines.nih.gov/archive/>

If you are unable to access the website, please let me know. It is still unclear to me what you are

asking for. The NIH has made public the records you have requested. Please advise.

Thank you

Margaret Mahoney

From: Peter Yim <yimpjp@gmail.com>
Sent: Thursday, May 6, 2021 4:58 PM
To: Mahoney, Margaret Ann (USANJ) <MMahoney@usa.doj.gov>
Cc: Garcia-Malene, Gorka (NIH/OD) [E] <gorka.garcia-malene@nih.gov>; Bowen, Elizabeth (HHS/OGC) <Elizabeth.Bowen@hhs.gov>; Lampe, Karen (NIH/OD) [E] <karen.lampe@nih.gov>; Vassallo, Kristin (USANJ) <KVassallo@usa.doj.gov>
Subject: Re: NIH FOIA 55822 Complete Response

Ms. Mahoney,

I can accept that response If NIH is able to substantiate their claim by producing the specific record.

Peter Yim

On Thu, May 6, 2021 at 10:22 AM Mahoney, Margaret Ann (USANJ) <Margaret.Ann.Mahoney@usdoj.gov> wrote:

Good Morning Mr. Yim,

There is some confusion on my part. I am not sure which record you would like NIH to claim does not exist. The records you requested do exist. The search conducted by the FOIA office revealed that the requested records have been made public and are posted on the aforementioned website. The records are available to you (and the public) in electronic format on the website. If you are unable to access the records electronically, please let me know and I can see if the FOIA Office can provide you a printed copy of the requested documents from the publicly accessible website.

If, after reviewing the publicly available information on the website, you still do not believe the information satisfies your original FOIA request, please let me know what you believe is insufficient. Please be advised, that if you feel the response you received is insufficient, you can also contact the FOIA office directly and appeal their decision.

We would like to make every reasonable effort to provide you with the responsive records.

Thank you.

Margaret Mahoney
Assistant United States Attorney
District of New Jersey

From: Peter Yim <yimpjp@gmail.com>
Sent: Wednesday, May 5, 2021 4:16 PM
To: Mahoney, Margaret Ann (USANJ) <MMahoney@usa.doj.gov>
Cc: Garcia-Malene, Gorka (NIH/OD) [E] <gorka.garcia-malene@nih.gov>; Bowen, Elizabeth (HHS/OGC) <Elizabeth.Bowen@hhs.gov>; Lampe, Karen (NIH/OD) [E] <karen.lampe@nih.gov>; Vassallo, Kristin (USANJ) <KVassallo@usa.doj.gov>

Subject: Re: NIH FOIA 55822 Complete Response Ms.

Mahoney,

NIH's response is not acceptable. I insist that NIH confirm that the record that I requested does not exist.

Peter Yim

On Wed, May 5, 2021 at 10:12 AM Mahoney, Margaret Ann (USANJ) <Margaret.Ann.Mahoney@usdoj.gov> wrote:

Good Morning Mr. Yim,

Attached please find the NIH FOIA response sent to you on April 23, 2021. In the response, you were directed to the NIH's website for the information relating to your following request:

All updates to the Coronavirus Disease 2019 (COVID-19) Treatment Guidelines that were endorsed by a vote of the Panel. (Date Range for Record Search: From 01/01/2021 To 01/28/2021)

Please be advised that the information you are requesting is **publicly available**. For your convenience, I provide below a more direct link to the information.

The link is <https://www.covid19treatmentguidelines.nih.gov/whats-new/>

Down along the left hand side of the page is a link to the guidelines archive where all previous versions reside <https://www.covid19treatmentguidelines.nih.gov/archive/>

Please review the information on the website. Once you have done that, please confirm that you found the information you requested. I believe some of the information is located in the archive section.

Thank you. I look forward to your reply. Have

a nice day.

Margaret Mahoney

Assistant United States Attorney
District of New Jersey

From: Peter Yim <yimpjp@gmail.com>

Sent: Tuesday, May 4, 2021 5:12 PM

To: Mahoney, Margaret Ann (USANJ) <MMahoney@usa.doj.gov>

Cc: Garcia-Malene, Gorka (NIH/OD) [E] <gorka.garcia-malene@nih.gov>; Bowen, Elizabeth (HHS/OGC) <Elizabeth.Bowen@hhs.gov>; Lampe, Karen (NIH/OD) [E] <karen.lampe@nih.gov>; Vassallo, Kristin (USANJ) <KVassallo@usa.doj.gov>

Subject: Re: NIH FOIA 55822 Complete Response Ms.

Mahoney,

NIH must confirm that the record that I requested does not exist ("All updates to the Coronavirus Disease 2019 (COVID-19) Treatment Guidelines that were endorsed by a vote of the Panel. (Date Range for Record Search: From 01/01/2021 To 01/28/2021)").

Peter Yim

On Tue, May 4, 2021 at 1:03 PM Mahoney, Margaret Ann (USANJ) <Margaret.Ann.Mahoney@usdoj.gov> wrote: Good

Afternoon Mr. Yim,

Based upon your email below, I understand you are not willing to sign a stipulation of dismissal in this matter. The NIH believes it supplied you all relevant, responsive documents to your FOIA request. However, it appears that you do not agree. Would you kindly let me know what documents you believe should have been supplied to you? It is my hope that we can resolve this matter without extensive motion practice. Please let me know.

Thank you. Margaret

Mahoney
Assistant United States Attorney
District of New Jersey

From: Peter Yim <yimpip@gmail.com>

Sent: Monday, May 3, 2021 5:54 PM

To: Mahoney, Margaret Ann (USANJ) <MMahoney@usa.doi.gov>

Cc: Garcia-Malene, Gorka (NIH/OD) [E] <gorka.garcia-malene@nih.gov>; Bowen, Elizabeth (HHS/OGC) <Elizabeth.Bowen@hhs.gov>; Lampe, Karen (NIH/OD) [E] <karen.lampe@nih.gov>

Subject: Re: NIH FOIA 55822 Complete Response

Ms. Mahoney,

I will not be signing the stipulation of dismissal. Peter

Yim

On Mon, May 3, 2021 at 9:51 AM Mahoney, Margaret Ann (USANJ) <Margaret.Ann.Mahoney@usdoj.gov> wrote:

Mr. Yim,

My name is Margaret Mahoney and I am the Assistant United States Attorney assigned to represent the Government in your FOIA case. First, it

is my understanding that you are representing yourself in this matter and have not retained counsel. If my understanding is incorrect, please forward this communication to your attorney so he or she can contact me.

On or about April 23, 2021, NIH responded to your FOIA request and supplied you with documents responsive to your request. In light of NIH's production and the information on their website to which they directed you, the Government asserts that your FOIA request has been satisfied and is now moot. If you agree that this matter is moot and you wish to discontinue the case, please let me know as soon as possible. If you agree with the Government's position that your case is now moot, I will send you a proposed stipulation of dismissal for you to sign and date and then return to me. Once I receive the executed stipulation of dismissal from you, I will sign and file same on the docket of the court. Please let me know how you would like to proceed as soon as possible.

Sincerely,

Margaret Mahoney

Margaret Mahoney
Assistant United States Attorney
District of New Jersey
(w) 973-645-2761
(c) 201-306-5430

From: Lampe, Karen (NIH/OD) [E] <karen.lampe@nih.gov>

Sent: Friday, April 23, 2021 9:45 AM

To: yimpj@gmail.com

Garcia-Malene, Gorka (NIH/OD) [E] <gorka.garcia-malene@nih.gov>; Bowen, Elizabeth (HHS/OGC) <Elizabeth.Bowen@hhs.gov>; Mahoney, Margaret Ann (USANJ) <MMahoney@usa.doj.gov>

Subject: NIH FOIA 55822 Complete Response

Dear Mr. Yim,

Please find attached to this email our complete response to your NIH Freedom of Information Request 55822.

Best Regards,

Karen E. R. Lampe, Ph.D. Freedom of
Information Office National Institutes of Health
karen.lampe@nih.gov